

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

The Council of the Town of Osler, in the Province of Saskatchewan, enacts as follows:

PART I – TITLE & PURPOSE

1. This bylaw shall be cited as “The Animal Control Bylaw”.
2. The purpose of this Bylaw is:
 - 2.1. To provide for licensing of cats and dogs;
 - 2.2. To control and regulate cats and dogs;
 - 2.3. To control and regulate other animals including exotic and wild animals

PART II – DEFINITIONS

3. In this Bylaw:

“**Animal Warden**” or “**Bylaw Enforcement Officer**” is any corporation, person or persons engaged by or appointed by the Town of Osler for the purposes of checking for licenses, capturing and impounding animals under the provisions of this bylaw;

“**at large**” means if the animal is off the premises of its owner, unless the animal is both on a leash not exceeding two metres in length and is under proper control.

“**Bee**” means any of certain insects which store up the pollen of flowers for food or that makes honey and wax;

“**CAO**” is the person appointed as the Chief Administrative Officer for the Town of Osler or his/her duly authorized representative or designate;

“**Cat**” is every cat of either sex or neutered;

“**Dog**” is every dog of either sex or neutered;

“**Dog Run**” shall mean a permanent structure outside of a residential dwelling unit, used for the containment of a dog.

“**Judge**” shall mean a provincial court judge or a justice of the peace.

“**Municipality**” shall mean the Town of Osler;

“**Owner**” includes:

A person owns or who has possession of, or control over, an animal; and the person responsible for the custody of a minor where the minor is the owner of the animal.

“**Poundkeeper**” means a person, corporation, society or organization as may from time to time be appointed by the municipality for the purpose of retaining impounded animals pursuant to this Bylaw;

“**Public Playground**” means the area containing playground equipment in any park or Municipal Reserve owned by the Town or under the management and control of the Town;

“**SPCA**” means the Saskatoon Society for the Prevention of Cruelty to Animals.

PART III – GENERAL

4. LICENSES AND LICENSE FEES

- 4.1. Every person within the municipality who owns or keeps a dog over six months old shall obtain an animal license from Administration of the municipality;
- 4.2. Every person within the municipality who owns or keeps a cat over six months old shall obtain an animal license from Administration of the municipality;
- 4.3. The license fees are set out in Schedule “A” attached;

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

- 4.4. A registration form for the animal shall be completed as set out in Schedule "B" attached;
- 4.5. The license is in effect from the date of purchase until the animal is deceased or permanently removed from the municipality and is not transferable from one animal to another;
- 4.6. Every person to whom an animal license has been issued under this bylaw shall cause the animal to wear a collar to which the license tag issued by the municipality is attached; and
- 4.7. A person residing in the municipality, who owns, possesses or harbours an animal and neglects or refuses to take out a license shall be deemed guilty of an infraction of this bylaw.

5. DOGS BARKING OR HOWLING

- 5.1. No person who owns or keeps a dog or allows it to stay in the owner's premises shall allow such dog to bark excessively or howl excessively;
- 5.2. Any person who allows a dog to bark or howl excessively shall be deemed guilty of an infraction of this bylaw;
- 5.3. Any person who hears a dog barking or howling excessively and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw (Policy OSL.28);
- 5.4. The municipality may issue a written order if there is anything in the physical environment that the dog is being kept in that can be remedied that would prevent said dog from barking or howling;
- 5.5. The municipality may apply to a judge to have a dog that barks or howls excessively, at the owner's expense, muzzled, fitted with a collar or device that deters barking or permanently removed from the municipality; and,
- 5.6. The municipality may issue a written infraction notice, in the appropriate Municipal form, under this or the Municipal Noise Bylaw.

6. RUNNING AT LARGE AND PROHIBITED AREAS

- 6.1. No animal shall run at large in the municipality;
- 6.2. If an animal is found to be running at large the owner shall be deemed to have permitted the animal to be at large unless the owner proves to the satisfaction of the court that at the time of the offence the owner did all that was reasonable to prevent the animal from being at large;
- 6.3. Any person who sees an animal running at large, and can positively identify the animal, can file a written complaint at the Town Office. Written complaints must include information as set out in Form 1 attached to this bylaw (Policy OSL.28);
- 6.4. The Animal Warden/Bylaw Enforcement Officer or any other person designated by the municipality will attempt to capture any animals found running at large and place them in the municipal pound; and,
- 6.5. Any animal found running at large that attacks or bites a person shall be dealt with under the Dangerous Dogs Act, at the owner's expense;
 - 6.5.1. Destroyed in accordance with any order or recommendation by a medical health officer;
 - or,
 - 6.5.2. Permanently removed from the municipality.
- 6.6. No person shall permit a dog or cat to be:
 - 6.6.1. On any public playground
 - 6.6.2. On public Ball Diamonds or Soccer Fields
 - 6.6.3. This section does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person.

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

7. PROHIBITED ANIMALS

- 7.1. No person shall own or harbour any animal, or hybrid of any animal, of the kind listed in Schedule D for any purpose.

8. DANGEROUS ANIMALS

Control of dangerous dogs in Saskatchewan is governed by provincial legislation and all owners must comply with this statute or any orders under this statute.

9. OWNING and HARBOURING OF DOGS

- 9.1. Where an owner possesses a dog that displays outward signs of aggression such as threatening, barking, growling, snapping, lunging, frothing at the mouth, etc., such owner shall ensure that the dog is properly restrained or contained whether it is on or off its own property; and,
- 9.2. Where a dog displays aggressive behavior as described in subsection 9.1, the owner shall ensure that proper precautions have been taken to prevent the dog from escaping from its harboured property and that children of tender age cannot gain access to the property or the dog;
- 9.3. Where a municipality believes an owner has not taken the necessary precautions to contain an aggressive dog as required in subsection 9.2, the municipality may issue a written order requiring the owner of the property to remedy any lack of physical containment as identified by the municipality;
- 9.4. An order written under subsection 9.3 is not limited to the following but may contain any or all of the following requirements:
- 9.4.1. Repair or construction of a property line fence;
 - 9.4.2. Repair or construction of a dog run;
 - 9.4.3. Physically moving the dog run or containment area of the dog from one area of the property to a more suitable area on the property;
 - 9.4.4. Locking of perimeter fences or dog runs; and
 - 9.4.5. Posting warning signs on the perimeter of the property advising the public of the presence of a dog of an aggressive nature.

10. LITTER CLEAN UP

- 10.1. If an animal defecates on any public or private property other than property belonging to the owner of the pet, the owner of the cat or dog shall remove the defecation immediately.
- 10.2. Any person who owns, possesses, or harbours an animal and fails to remove the defecation as set out in Subsection 10.1 shall be deemed guilty of an infraction of this bylaw;
- 10.3. This section does not apply to a person who owns and is physically reliant on a guide dog trained and used to assist such person

11. ACCUMULATION OF ANIMAL FECES

- 11.1. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard.
- 11.2. Any person who owns, possesses, or harbours an animal and fails to clean up as set out in Subsection 11.1 shall be deemed guilty of an infraction of this bylaw;

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

- 11.3. The Animal Warden or Bylaw Enforcement may serve an owner or occupant of private property with a written order to remove all animal feces from the property within seventy-two (72) hours of service of notice.
- 11.4. The municipality may remove the feces from the property if:
 - 11.4.1. The person to whom the notice is made fails to remove the feces within seventy-two (72) hours; or,
 - 11.4.2. After reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined.

12. ORDERS TO REMEDY CONTRAVENTIONS

- 12.1. Inspections to determine if a written order should be issued under this Bylaw shall be carried out in accordance with the Municipalities Act.
- 12.2. Orders given under this Bylaw shall comply with the Municipalities Act.
- 12.3. Orders given under this Bylaw shall be served in accordance with the Municipalities Act.
- 12.4. A person may appeal an order given under this Bylaw in accordance with the procedure set forth in the Municipalities Act.
- 12.5. The municipality may, in accordance with the Municipalities Act, take whatever actions or measures necessary to ensure that an order given under this Bylaw is fully complied with.
- 12.6. In an emergency, the municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the Municipalities Act.
- 12.7. Any unpaid expenses and costs incurred by the municipality that an order given under this Bylaw is fully complied with may be recovered either:
 - 12.7.1. By civil action for debt in a court of competent jurisdiction in accordance with the Municipalities Act; or,
 - 12.7.2. By adding the amount to the taxes on the property on which the work is done in accordance with the Municipalities Act.

13. POUND/POUND FEES

- 13.1. The Animal Warden may take any animal found running at large, contrary to the provisions of this bylaw, to the municipal pound where it shall be kept for Seventy Two (72) hours unless the owner, possessor, or harbourer redeems the animal by paying to the Town:
 - 13.1.1. The applicable pound fee as set out in Schedule "C" for the care and keep of each animal; and,
 - 13.1.2. All related fines assessed against the animal; and,
 - 13.1.3. In the case of a dog over the age of six months being impounded, a dog license fee if one has not yet been purchased.
- 13.2. The municipality may, in its sole discretion, destroy, find a suitable home for or turn over to the SPCA any animal which has not been redeemed within seventy two (72) hours. The CAO or Bylaw Enforcement Officer may turn an animal over to the SPCA before this period expires if it is determined that the municipality cannot sufficiently provide for the animal's well being or security.

14. VIOLATIONS

- 14.1. Except as otherwise provided in this bylaw, every person who contravenes any of the provisions of this bylaw is guilty of an offense and liable on summary conviction:
 - 14.1.1. In the case of an individual, to a fine of not less than the mandatory minimum fine prescribed in Schedule E and not more than \$2,000; and
 - 14.1.2. In the case of a corporation, to a fine of not less than the mandatory minimum fine prescribed in Schedule E and not more than \$5,000.

**TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS**

- 14.2. Notwithstanding Subsection (1), if no Notice of Violation has been issued for a period of three years or more in relation to a contravention, then a subsequent contravention of the section of the bylaw is deemed to be a first offence.
- 14.3. Any person convicted of an offence under Section 7 shall, within ten days thereafter, deliver all animals of the kind listed in Schedule D owned, kept or harboured by that person to the Animal Warden or Bylaw Enforcement Officer and they shall become the property of the municipality and shall be donated to an approved agency or humanely euthanized.
 - 14.3.1. Any person who fails to deliver an animal as required in Subsection 14.3 is guilty of an offence and liable on summary conviction to the penalty contained in Subsection 14.1.
- 14.4. At the discretion of the Bylaw Enforcement Officer, a warning ticket may be issued for contravention of any of the provisions of this bylaw.
- 14.5. A violator of this bylaw, upon being served with the municipality's standard Notice of Violation may, during office hours, voluntarily pay the penalty at the office of the municipality.
- 14.6. Voluntary payment of a penalty within ten (10) days of the issuance of a Notice of Violation will reduce the penalty by 50%.

15. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

PART IV – REPEAL OF PREVIOUS BYLAWS

16. REPEAL, AMEND, AND COMING INTO FORCE AND EFFECT

- 16.1. Bylaw 2008-14 of the Town of Osler is hereby repealed.
- 16.2. Bylaw 4 – 89 of the Town of Osler is hereby repealed.
- 16.3. Bylaw 3 – 92 of the Town of Osler is hereby repealed.
- 16.4. This bylaw shall come into force and effect upon third reading and adoption by Council.

Read a first time this 9th day of October, 2012.

Read a second time this 9th day of October, 2012.

Read a third time and adopted this 13th day of November, 2012.

SEAL

Mayor

CAO

**TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS**

SCHEDULE "A"

LICENSE FEES FOR EACH ANIMAL

CAT – not spayed or neutered	\$30.00
CAT – spayed or neutered	\$15.00
DOG – not spayed or neutered	\$30.00
DOG – spayed or neutered	\$15.00

**TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS**

SCHEDULE "B"

**TOWN OF OSLER
ANIMAL LICENSE REGISTRATION FORM**

Name of Owner: _____

Address of Owner: _____

Phone No: _____ (home) _____ (alternate)

Cat Dog Spayed or Neutered

Name of Animal: _____

Description of Animal: _____

It is recommended that a photo be provided (attached if available):

For Office Use Only: Receipt No: _____ Tag No: _____
--

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

SCHEDULE "C"

POUND FEES

- A. IF HOUSED BY THE MUNICIPALITY ONLY
- a. DOGS - \$40.00 per dog plus \$10.00 per day with a minimum fee of \$50.
 - b. CATS - \$40.00 per cat plus \$10.00 per day with a minimum fee of \$50.
 - c. ANIMALS OTHER THAN DOGS OR CATS - \$40.00 per animal plus \$10 per day with a minimum fee of \$50.
- B. IF HOUSED BY THE SPCA
All municipal pound fees shall apply in addition to any fees charged by the SPCA.

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

SCHEDULE "D"

PROHIBITED ANIMALS

The following is a list of animals the keeping of which is prohibited within the Town of Osler:

- i all animals being reared for the bearing of fur or food;
- ii all animals whose normal habitation is outside of urban centers (such as fox, deer)
- iii all Arachnids dangerous to humans (such as scorpions and tarantulas, except tarantulas of the genera Aphonopelma, Avicularia and Grammostola);
- iv all Artiodactylus Ungulates (such as goats, sheep, cattle, pigs and llamas);
- v all Bats;
- vi all Bees;
- vii all Canids, except the domestic dog;
- viii wild fowl or poultry (unless specifically approved by Council);
- ix all Crocodylians (such as alligators, crocodiles and caimans);
- x all Edentates (such as anteaters, sloths and armadillos);
- xi all Elephants;
- xii all Felids, except the domestic cat;
- xiii all Horses;
- xiv all Hyenas;
- xv all Insects being raised for the purpose of profit or gain;
- xvi all Livestock;
- xvii all Marsupials (such as kangaroos and opossums);
- xviii all Mustelids (such as skunks, weasels, otters and badgers) except the domestic ferret;
- xix all non-human Primates (such as gorillas and monkeys);
- xx all Perissodactylus Ungulates (such as horses, donkeys, mules and asses);
- xxi all Pigeons (unless specifically approved by Council);
- xxii all Pinnipeds (such as seals, fur seals and walruses);
- xxiii all Procyonids (such as raccoons, coatis and cacomistles);
- xxiv all Raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- xxv all Ratite Birds (such as ostriches, rheas, and cassowaries);
- xxvi all Galliformes (such as chickens, turkeys, grouse, quails and pheasants);
- xxvii all Anseriformes (such as ducks and geese);
- xxviii all snakes of the families Pythonidae and Boidae;
- xxix all Ursids (bears);
- xxx all venomous Reptiles and Amphibians;
- xxxi all Viverrids (such as mongooses, civets and genets)

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

SCHEDULE "E"

MINIMUM FINES PURSUANT TO SECTION 14

	DESCRIPTION OF OFFENCE	1st OFFENCE	2nd OFFENCE	SUBSEQUENT
(a)	Failure to License Cat or Dog (Section 4)	\$100	N/A	N/A
(b)	Excessive Barking or Howling (Section 5)	\$100	\$200	\$200
(c)	Running at Large (Section 6)	\$100	\$200	\$200
(d)	Neglets or Refuses to Clean Up Defecation (Sections 10 & 11)	\$100	\$200	\$200
(e)	Failure to obey order of Animal Warden or Bylaw Enforcement Officer	\$100	\$200	\$200

TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS

FORM 1 (Section 5.3)
Page 1 of 2
Town of Osler
Policy OSL.28
Schedule B

The Town has bylaws relating to animal control, noise, parking, nuisance, etc. Understanding that it is important for individuals to be clear with respect to the concerns raised that relate to town bylaws or legislation, we would ask that you identify the type of concern and the time frame in which it occurred. No action will be taken unless a form is completed. It may be necessary to share this information with other individuals, Council or Enforcement Agencies.

Received by phone Delivered in Person Emailed / Mailed

Name: _____ Phone: _____

Address: _____

Please check applicable box(s)

Noise Animal Nuisance
 Parking Snow Removal Street Condition
 Other (Specify)

Date & Location of Infraction: _____

Concern: _____

Any Suggestions you may have: _____

Signature: _____ Today's Date: _____

**TOWN OF OSLER
BYLAW 2012-12
A BYLAW TO LICENSE AND REGULATE ANIMALS**

FORM 1 (Section 5.3)
Page 2 of 2
Town of Osler
Policy OSL.28
Schedule B

For Office Use Only:

Date Concern Received: _____

Staff Member Receiving Concern: _____

Comments: _____

Action Taken _____

Signature of Staff Member: _____

Signature of Chief Administrative Officer: _____